

SENATE JOURNAL OF THE IDAHO LEGISLATURE

FIRST EXTRAORDINARY SESSION
FIFTY-EIGHTH LEGISLATURE

**FIRST LEGISLATIVE DAY
FRIDAY, AUGUST 25, 2006**

Senate Chamber

At the hour of 8 a.m. on Friday, August 25, 2006, being the day and hour fixed by proclamation of the Governor of the State of Idaho for the convening of the First Extraordinary Session of the Fifty-Eighth Idaho Legislature, the members of the Senate convened in the Senate Chamber of the Capitol in the city of Boise, with President Mark G. Ricks presiding. Secretary of the Senate Jeannine Wood read the following Certification and Proclamation calling the Legislature to meet in Extraordinary Session:

STATE OF IDAHO OFFICE OF THE SECRETARY OF STATE CERTIFICATION

I, BEN YSURSA, Secretary of State of the State of Idaho and legal custodian of the Seal of said State and all Proclamations of the Governor of the State of Idaho pursuant to Section 67-903, *Idaho Code*, do hereby certify that the annexed is a full, true, and complete copy of the Proclamation of the Governor of the State of Idaho concerning the convening of the Fifty-eighth Legislature in an Extraordinary Session, received and filed in this office on the Twenty-fifth day of July, and that the same appears of record in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Idaho. Done at Boise, Idaho, this Twenty-fifth day of July, 2006.

/s/ BEN YSURSA
Secretary of State

STATE OF IDAHO OFFICE OF THE GOVERNOR EXECUTIVE DEPARTMENT BOISE PROCLAMATION

WHEREAS, rising property taxes are a major concern to property owners across the State of Idaho; and

WHEREAS, the Idaho State Legislature has evaluated the issues surrounding property taxes in Idaho for over a year; and

WHEREAS, the issues of property tax relief and safeguarding public education constitute an extraordinary occasion; and

WHEREAS, article 4, section 9 of the Constitution of the State of Idaho empowers the Governor, on extraordinary occasions, to convene the Legislature by proclamation;

NOW, THEREFORE, I, JAMES E. RISCH, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of the State of Idaho, do by this Proclamation convene the 58th Idaho Legislature in Extraordinary Session in the Legislative Chambers at the Capitol in Boise City, Ada County, Idaho, at the hour of 8 a.m., on the Twenty-fifth day of August, 2006, to:

Consider for passage RS16445, a copy of which is attached hereto.

The Extraordinary Session of the Legislature convened by this Proclamation shall have no power to legislate on any subject other than that specified herein.

I HEREBY DIRECT AND REQUIRE that a copy of this Proclamation and RS16445 be delivered to the presiding officers of the Idaho Senate and House of Representatives, to each of the members of the 58th Idaho Legislature, and to the Constitutional Officers of the State Government at the earliest practicable time.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this Twenty-fifth day of July in the year of our Lord two thousand and six and of the Independence of the United States of America the two hundred thirty-first and of the Statehood of Idaho the one hundred seventeenth.

/s/ JAMES E. RISCH
GOVERNOR

/s/ BEN YSURSA
Secretary of State

The Certification and Proclamation were ordered filed in the office of the Secretary of the Senate.

The following Certificate of Election was read by the Secretary of the Senate:

STATE OF IDAHO OFFICE OF THE SECRETARY OF STATE CERTIFICATE OF ELECTION

I, BEN YSURSA, Secretary of State of the State of Idaho and legal custodian of the records of elections held in the State of Idaho, do hereby certify that the following is a full, true, and complete list of those elected or appointed to serve as members of the Senate of the First Extraordinary Session of the Fifty-eighth Legislature, as shown by official records on file in my office:

DISTRICT	NAME
1	Shawn A. Keough(R)
2	Joyce M. Broadsword(R)
3	Michael "Mike" Jorgenson(R)
4	John W. Goedde(R)
5	Dick Compton(R)
6	Gary J. Schroeder(R)
7	Joe Stegner(R)
8	R. Skipper "Skip" Brandt(R)
9	Monty J. Pearce(R)

10 John T. McGee(R)
 11 Brad Little(R)
 12 Curt McKenzie(R)
 13 Patti Anne Lodge(R)
 14 Hal Bunderson(R)
 15 John C. Andreason(R)
 16 David Langhorst(D)
 17 Elliot Werk(D)
 18 Kate Kelly(D)
 19 Mike Burkett(D)
 20 Gerry Sweet(R)
 21 Russell M. Fulcher(R)
 22 Tim Corder, Sr.(R)
 23 Tom Gannon(R)
 24 Charles H. Coiner(R)
 25 Clint Stennett(D)
 26 Dean L. Cameron(R)
 27 Denton Darrington(R)
 28 J. Stanley Williams(R)
 29 Bert C. Marley(D)
 30 Edgar J. Malepeai(D)
 31 Robert L. Geddes(R)
 32 Melvin "Mel" Richardson(R)
 33 Bart M. Davis(R)
 34 Brent Hill(R)
 35 Don M. Burtenshaw(R)

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Idaho. Done at Boise, the Capital of Idaho, this 22nd day of August, in the year of our Lord Two Thousand and six, and of the Independence of the United States of America, the Two Hundred and Thirty-first.

/s/ BEN YSURSA
 Secretary of State

The Certificate of Election was ordered filed in the office of the Secretary of the Senate.

Roll call showed all members present except Senator Burkett, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook, Associate Pastor, Nampa Church of the Brethren, Nampa, Idaho.

The Pledge of Allegiance was led by Senator John McGee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Tenth Order of Business.

Motions and Resolutions

On request by Senator Davis, granted by unanimous consent, the Rules of the Senate and the Joint Rules of the Senate and House of the Fifty-eighth Idaho Legislature were adopted as the rules of the First Extraordinary Session of the Fifty-eighth Legislature.

On request by Senator Davis, granted by unanimous consent, the following attaches were elected to fill the offices provided for by the Constitution of the State of Idaho and by statute:

Assistant Secretary of the Senate/Journal Clerk . . . Rusti Horton
 Secretary to the Majority . . . Ann DeAngeli
 Sergeant at Arms . . . Margaret Lundy
 Doorkeeper . . . Robert McDonald
 Committee Secretary . . . Juanita Budell
 Chaplain . . . Pastor Don Hardenbrook
 Page . . . Dana Nelson
 Page . . . Brigitte Harper

Whereupon the President instructed the Sergeant at Arms to escort the attaches to the desk at which time the Oath of Office was administered to the elected attaches, and they were escorted from the Chamber.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Eighth Order of Business.

Messages from the Governor

June 20, 2006

The Honorable Robert L. Geddes
 President Pro Tempore
 Idaho State Senate

Dear President Pro Tem Geddes:

I have the honor to inform you that Mark G. Ricks of Rexburg, Idaho, was appointed Lieutenant Governor for the State of Idaho to serve a term commencing June 15, 2006, and continuing until the term of office expires.

This appointment was made subject to confirmation by the Senate, and notice of appointment is hereby given.

Very truly yours,
 /s/ JAMES E. RISCH
 Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

Senator Burkett was recorded present at this order of business.

The President called President Pro Tempore Geddes to the Chair.

August 25, 2006

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Mark G. Ricks as Lieutenant Governor of the State of Idaho, until the term of office expires.

BURTENSHAW, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senator Davis requested unanimous consent that all rules of the Senate interfering with the immediate consideration of the State Affairs Committee report relative to the Gubernatorial appointment of Mark G. Ricks be suspended.

Senator Stennett objected.

Moved by Senator Davis, seconded by Senator Stegner, that all rules of the Senate interfering with the immediate consideration of the State Affairs Committee report be suspended. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Sweet, Williams. Total - 28.

NAYS--Burkett, Kelly, Langhorst, Malepeai, Marley, Stennett, Werk. Total - 7.

Total - 35.

More than two-thirds having voted in the affirmative, the President Pro Tempore declared the rules suspended and announced the State Affairs Committee report was before the Senate for final consideration.

Senator Kelly noted that a minority report pertaining to the State Affairs Committee report relative to the Gubernatorial appointment will be filed at the Desk.

Moved by Senator Darrington, seconded by Senator Davis, that the State Affairs Committee report relative to the Gubernatorial appointment of Mark G. Ricks be adopted. The question being, "Shall the committee report be adopted?"

Roll call vote was requested by Senators Stennett, Burkett, and Malepeai.

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Ninth Order of Business.

Messages from the House

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 10:30 a.m. until the hour of 1 p.m. of this day.

RECESS AFTERNOON SESSION

The Senate reconvened at 1 p.m., pursuant to recess, President Ricks presiding.

Roll call showed all members present except Senators Cameron, Jorgenson, Lodge, and Pearce, absent and excused.

Prior to recess the Senate was at the Ninth Order of Business, Messages from the House.

August 25, 2006

Mr. President:

I transmit herewith **H 1** which has passed the House.

JUKER, Chief Clerk

H 1 was filed for first reading.

Senator Jorgenson was recorded present at this order of business.

Senator Davis requested unanimous consent that the Senate advance to the Eleventh Order of Business.

Senator Kelly objected.

Moved by Senator Davis, seconded by Senator Stegner, that the Senate advance to the Eleventh Order of Business. The question being, "Shall the motion prevail?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Keough, Little, McGee, McKenzie, Richardson, Schroeder, Stegner, Sweet, Williams. Total - 25.

NAYS--Burkett, Kelly, Langhorst, Malepeai, Marley, Stennett, Werk. Total - 7.

Absent and excused--Cameron, Lodge, Pearce. Total - 3.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared that the motion prevailed, and the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,
House Petitions, Resolutions, and Memorials**

Senators Cameron, Lodge, and Pearce were recorded present at this order of business.

Senators Stennett and Kelly stated that a protest, pursuant to Senate Rule 44, will be reduced to writing and filed at the Desk.

S 1001

**BY STENNETT, BURKETT, MALEPEAI, MARLEY,
WERK, KELLY, LANGHORST**

AN ACT

RELATING TO TAXATION FOR PUBLIC SCHOOL SUPPORT; PROVIDING A SHORT TITLE; AMENDING SECTION 33-802, IDAHO CODE, TO PROVIDE FOR SCHOOL MAINTENANCE AND OPERATION LEVIES FOR TAX YEAR 2006 ONLY; AMENDING SECTION 33-907, IDAHO CODE, TO PROVIDE THAT ANY ACCUMULATED BALANCES IN THE PUBLIC EDUCATION STABILIZATION FUND THAT ARE IN EXCESS OF TEN PERCENT OF THE CURRENT FISCAL YEAR'S TOTAL GENERAL FUND APPROPRIATION FOR PUBLIC SCHOOL SUPPORT SHALL BE TRANSFERRED TO THE BOND LEVY EQUALIZATION FUND; AMENDING SECTION 33-1002, IDAHO CODE, TO REVISE CALCULATIONS IN THE EDUCATIONAL SUPPORT PROGRAM FOR LOCAL DISTRICTS' CONTRIBUTION CALCULATION AND TO REVISE THE TOTAL DISTRICT ALLOWANCE EDUCATIONAL PROGRAM; AMENDING SECTION 33-1002D, IDAHO CODE, TO REVISE THE CALCULATION OF PROPERTY TAX REPLACEMENT FOR FISCAL YEAR 2007; AMENDING SECTION 33-1408, IDAHO CODE, TO REVISE THE SPECIAL LEVY FOR TUITION AND TO EXEMPT THE LEVY FROM THE THREE PERCENT PROPERTY TAX CAP; AMENDING SECTION 63-602G, IDAHO CODE, TO PROVIDE THAT ONE HUNDRED PERCENT OF THE MARKET VALUE FOR ASSESSMENT PURPOSES OF THE HOMESTEAD SHALL BE EXEMPT FROM TAXATION FOR THE PURPOSE OF APPLYING SCHOOL DISTRICT MAINTENANCE AND OPERATION LEVIES AND TO PROVIDE A LIMITATION EXEMPTION FOR HOMESTEADS IN CHARTER DISTRICTS; APPROPRIATING MONEYS FROM THE GENERAL FUND TO THE PUBLIC SCHOOL INCOME FUND FOR FISCAL YEAR 2007; APPROPRIATING ADDITIONAL MONEYS FROM THE PUBLIC SCHOOL INCOME FUND TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF OPERATIONS FOR FISCAL YEAR 2007; PROVIDING SEVERABILITY; DECLARING AN EMERGENCY, PROVIDING RETROACTIVE APPLICATION AND PROVIDING EFFECTIVE DATES.

S 1001 was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 1, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

August 25, 2006

The JUDICIARY AND RULES Committee reports that **S 1001** has been correctly printed.

DARRINGTON, Chairman

S 1001 was referred to the Local Government and Taxation Committee.

August 25, 2006

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 1** without recommendation.

BUNDERSON, Chairman

H 1 was filed for second reading.

August 25, 2006

MINORITY REPORT

**DISSENTING TO THE SENATE'S CONSIDERATION
OF EXECUTIVE APPOINTMENT**

We, the undersigned Senators do respectfully dissent from the Senate's consideration of the Gubernatorial appointment of Mark G. Ricks as Lieutenant Governor in the First Extraordinary Session of the Fifty-Eighth Legislature. Pursuant to Rule 21(B) of the Rules of the Senate, we submit this Minority Report based on the following facts and conclusions:

Article IV, Section 9 of the *Idaho Constitution* sets forth the scope of subjects which can be considered in an extraordinary session of the Legislature, providing specifically

SECTION 9. EXTRA SESSIONS OF LEGISLATURE.

The governor may, on extraordinary occasions, convene the legislature by proclamation, stating the purposes for which he has convened it; but when so convened it shall have no power to legislate on any subjects other than those specified in the proclamation; but may provide for the expenses of the session and other matters incidental thereto. He may also, by proclamation, convene the senate in extraordinary session for the transaction of executive business.

The Proclamation issued by Idaho Governor James E. Risch on July 25, 2006, and convening the First Extraordinary Session of the Fifty-Eighth Legislature did not include within its scope a call to "convene the senate in extraordinary session for the transaction of executive business" within the scope of Article IV, Section 9. It is for this reason that we, the undersigned Senators, object to the Senate's consideration of the Gubernatorial appointment of Mark G. Ricks as Lieutenant Governor.

The undersigned Senators are satisfied that Lt. Governor Ricks possesses the qualifications and skills required to fulfill the duties of Lieutenant Governor. For this reason, we supported the recommendation that his appointment be confirmed while objecting to the fact that his confirmation was considered in this Extraordinary Session of the Legislature.

Dated this 25th day of August, 2006.

/s/ Senator Clint Stennett
 /s/ Senator Edgar Malepeai
 /s/ Senator Mike Burkett
 /s/ Senator Kate Kelly
 /s/ Senator Bert Marley
 /s/ Senator Elliot Werk
 /s/ Senator David Langhorst

The President ordered the minority report filed in the office of the Secretary of the Senate and spread upon the pages of the Journal pursuant to Senate Rule 21(B).

Senator Davis requested a ruling of the Chair pertaining to the written protest filed by Senators Stennett, Marley, Malepeai, Burkett, Kelly, Werk, and Langhorst under Senate Rule 44. The President ruled the written protest out of order since the protest was not of any Senate action.

Senator Stennett appealed the ruling of the Chair, and he was supported by Senators Kelly and Burkett.

The question being, "Shall the ruling of the Chair be sustained?"

Roll call vote was requested by Senators Stennett, Werk, and Kelly.

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Sweet, Williams. Total - 28.

NAYS--Burkett, Kelly, Langhorst, Malepeai, Marley, Stennett, Werk. Total - 7.

Total - 35.

Whereupon the President declared that the ruling of the Chair was sustained.

August 25, 2006

MINORITY REPORT

DISSENTING TO THE CONCLUSIONS OF THE
 COMMITTEE TO SEND HOUSE BILL 1 TO THE SENATE
 FLOOR WITH NO RECOMMENDATION

We, the undersigned Senators do respectfully dissent from the decision of the Senate Committee on Local Government and Taxation to send House Bill 1 to the Senate floor with no recommendation. We submit this Minority Report based on the following facts and conclusions:

1. The discussion and testimony in the committee was improperly limited to House Bill 1, and minor amendments thereto, thereby precluding full exploration of the alternatives and their comparative consequences. The Committee's recommendation represents a major change in tax policy and we feel that it was arrived at without a full discussion of viable alternatives. The people of the state of Idaho expect more from their legislators.

2. The bill does not target relief to the class of taxpayers who need it – owner occupied homeowners who have seen their taxes increase four times faster than other property owners.

3. The bill imposes a 20% sales tax increase to fund the across-the-board property tax reduction. Analyses by experts show that this shift disproportionately impacts renters, and average Idaho families. There is an alternative Routing Slip, prohibited from being introduced in this Extraordinary Session, that would deliver property tax relief in a manner targeted to homeowners without requiring this unnecessary sales tax increase.

4. The bill provides a tax reduction to classes of properties owners who have actually seen a decrease in property taxes over the last five years.

5. The bill shifts education funding to a tax that is paid primarily by individuals while providing a large tax cut to sales tax exempt entities. In doing so, it destabilizes and eliminates diversity in public education funding thereby placing public education at risk.

Over the objection of the undersigned, the majority of the members of the Senate Committee on Local Government and Taxation have voted to send House Bill 1 to the Senate floor with a do pass recommendation. We hereby respectfully request documentation of our objection to that decision in the Senate journal.

Dated this 25th day of August, 2006.

/s/ Senator David Langhorst
 /s/ Senator Edgar Malepeai

The President ordered the minority report filed in the office of the Secretary of the Senate and spread upon the pages of the Journal pursuant to Senate Rule 21(B).

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

Senator Davis requested unanimous consent that all rules of the Senate interfering with the immediate consideration of **H 1** be suspended.

Senator Stennett objected.

Moved by Senator Stennett, seconded by Senator Werk, that **H 1** be laid on the table. The question being, "Shall **H 1** be laid on the table?"

Roll call resulted as follows:

AYES--Burkett, Kelly, Langhorst, Malepeai, Marley, Stennett, Werk. Total - 7.

NAYS--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Sweet, Williams. Total - 28.

Total - 35.

Whereupon the President declared that the motion did not prevail.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Stegner, that all rules of the Senate interfering with the immediate passage of **H 1** be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that **H 1** be read the second time by title and the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Sweet, Williams. Total - 28.

NAYS--Burkett, Kelly, Langhorst, Malepeai, Marley, Stennett, Werk. Total - 7.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

Senator Burkett filed a written protest, pursuant to Senate Rule 44, at the Desk. Senator Burkett requested that the written protest be spread upon the pages of the Journal.

Senator Davis requested a ruling of the Chair regarding the written protest filed by Senator Burkett under Senate Rule 44.

The President ruled the written protest out of order since the protest was not of any Senate action.

Senator Burkett appealed the ruling of the Chair and he was supported by Senators Stennett and Langhorst.

The question being, "Shall the ruling of the Chair be sustained?"

Roll call vote was requested by Senators Burkett, Stennett, and Marley.

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Sweet, Williams. Total - 28.

NAYS--Burkett, Kelly, Langhorst, Malepeai, Marley, Stennett, Werk. Total - 7.

Total - 35.

Whereupon the President declared that the ruling of the Chair had been sustained.

H 1 was read the second time by title and third time at length, section by section, and placed before the Senate for final consideration. Senators Hill and Stegner arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Call of the Senate was requested by Senators Darrington, Davis, and Little.

Whereupon the President ordered the doorkeepers to lock the doors permitting no Senator to leave the Senate Chamber. The Sergeant at Arms was instructed to find and present any absent members to the Senate.

Roll call showed all members present except Senator Gannon.

The President directed the Sergeant at Arms to find and present Senator Gannon to the Senate.

Senator Gannon was recorded present.

On request by Senator Darrington, granted by unanimous consent, the Call was lifted.

Moved by Senator Stennett, seconded by Senator Burkett, that the Senate adjourn.

The question being, "Shall the Senate adjourn?"

Roll call vote was requested by Senators Stennett, Burkett, and Marley.

Roll call resulted as follows:

AYES--Burkett, Kelly, Langhorst, Malepeai, Marley, Stennett, Werk. Total - 7.

NAYS--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Sweet, Williams. Total - 28.

Total - 35.

Whereupon the President declared that the motion to adjourn did not prevail.

The question being, "Shall **H 1** pass?"

Moved by Senator Langhorst, seconded by Senator Werk, that **H 1** be referred to the Fourteenth Order of Business for amendment.

The question being, "Shall the motion prevail?"

Roll call vote was requested by Senators Stennett, Werk, and Marley.

Roll call resulted as follows:

AYES--Burkett, Kelly, Langhorst, Malepeai, Marley, Schroeder, Stennett, Werk. Total - 8.

NAYS--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Stegner, Sweet, Williams. Total - 27.

Total - 35.

Whereupon the President declared that the motion did not prevail.

The question being, "Shall **H 1** pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Burtenshaw, Cameron, Coiner, Compton, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Stegner, Sweet, Williams. Total - 24.

NAYS--Andreason, Bunderson, Burkett, Corder, Kelly, Langhorst, Malepeai, Marley, Schroeder, Stennett, Werk. Total - 11.

Total - 35.

Whereupon the President declared **H 1** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate of the First Extraordinary Session of the Fifty-eighth Legislature of the State of Idaho adjourned *Sine Die* at 11:16 p.m., Friday, August 25, 2006.

MARK G. RICKS, President

Attest: JEANNINE WOOD, Secretary

* * * * *

[Note: The following is action recorded after Senate Sine Die:]

August 28, 2006

Enrolled **H 1** was received from the House, signed by the President, and returned to the House.

* * * * *

CERTIFICATE

State of Idaho)
Senate Chamber, Boise, Idaho)

We, MARK G. RICKS, President of the Senate, and JEANNINE WOOD, Secretary of the Senate, do hereby certify and attest as follows:

That the daily Senate Journal of the proceedings of August 25, 2006, has been read and approved as corrected;

And, that we have carefully compiled in the Senate Journal of the First Extraordinary Session of the Fifty-eighth Idaho Legislature all of the proceedings of the First Legislative Day, and that said Journal contains a full, true, and correct record of all proceedings of said Senate for said day and final actions upon all legislation.

IN WITNESS WHEREOF, we have hereunto set our hand this 31st day of August, 2006.

MARK G. RICKS, President

Attest: JEANNINE WOOD, Secretary